IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No.1542 of 2004
Date of Decision:- 01.12.2006

Paramjit Singh & anr. ....Petitioners

through
Mr.C.L.Pawar, Advocate for
Mr.J.S.Thind, Advocate.

vs.

State of Punjab & ors. ....Respondents

through
Mr.G.S.Cheema, Sr.DAG, Punjab

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

Affidavit of ASI Harbhajan Singh-respondent No.3 filed in Court is taken on record.

During the course of hearing, it transpires that there are two FIRs registered against the petitioners. The first F.I.R. No.224 dated 4.6.2004 under Section 13-A of the Punjab Village Common Lands (Regulations) Act, 1961 has been registered on a complaint made by the District Magistrate.

The above-stated F.I.R. appears to have been impugned in Crl.Misc.No.36926-M of 2004 in which order dated August 12, 2004 (Annexure P-6) was passed by this Court directing that the investigation may be carried on, however, the challan be not filed.

Shri Cheema, learned Sr.DAG, Punjab, on instructions, states that no challan has been presented in relation to the aforesaid F.I.R. and, thus, the interim order dated August 12, 2004 (Annexure P-6) has not been

breached.

The second F.I.R. i.e. F.I.R.No.309 dated 14.7.2004 under Section 427, 506, 148/149 IPC read with Section 25, 27, 54 and 59 of the Arms Act has been registered against the petitioners at the instance of respondent No.2 who appears to be the successful bidder in respect of the Panchayat land.

The above-stated second F.I.R. was also impugned by the petitioners by way of Crl.Misc.No.41112-M of 2004 which was disposed of by this Court on September 02, 2004 with liberty to them to produce the documents before the Investigating Officer, who by taking note of these documents, was directed to form an opinion as to whether or not any offence is made out against the petitioners.

In his affidavit, ASI Harbhajan Singh has explained the manner in which investigation in the said F.I.R. has been carried out and finally a challan has been presented. There appears to be nothing wrong with the procedure adopted by the police authorities in presenting the challan and as such, no case of violating the order dated September 2, 2004 is made out.

The net conclusion would be that while interim order dated August 12, 2004 has not been breached, another order dated September 2, 2004 (Annexure P-7) has not been violated. Consequently and for the reasons afore-stated, no case to continue with these proceedings is made out which are accordingly dropped.

Disposed of.

Rule discharged.

December 01, 2006 **(SURYA KANT)**
poonam **JUDGE**